

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

YOLANDA TUCKER

PLAINTIFF

VS.

CASE NO. 4:19CV00744 BRW/PSH

**ANDREW SAUL, Commissioner,
Social Security Administration**

DEFENDANT

FINDINGS AND RECOMMENDATION

INSTRUCTIONS

The following recommended disposition has been sent to United States District Judge Billy Roy Wilson. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

DISPOSITION

Plaintiff Yolanda Tucker (“Tucker”) filed a *pro se* complaint initiating this Social Security appeal on October 23, 2019 (Doc. No. 2). The Court granted Tucker’s motion to proceed *in forma pauperis* and directed service of the complaint (Doc. No. 3). After defendant Saul answered the complaint, the Court entered an order directing Tucker to file her brief by February 26, 2020 (Doc. No. 12). Both the order granting the motion to proceed *in forma pauperis* and the order setting the deadline for Tucker to file her brief were returned as undeliverable (Doc. Nos. 4, 13). Tucker did not file her brief as directed.

On July 22, 2020, Tucker filed a notice stating she was not able to pay the court’s filing fee and providing some information about her injury and her treating physician (Doc. No. 14). She did not provide an updated address. On August 3, 2020, the Court entered an order notifying Tucker that she had been granted *in forma pauperis* status, and allowing her thirty days from the date of the order to submit her brief. The Court also notified Tucker of her duty to notify the Clerk and parties of any change of address and to prosecute her case diligently. Finally, the Court warned Tucker that “[f]ailure to comply with this Order will result in the recommended dismissal of the case.” Doc. No. 15. The August 3 order was **not** returned as undeliverable. Tucker has not filed her brief or otherwise responded to the August 3

order.

For the reasons stated in this order, the Court recommends that Tucker's complaint be dismissed without prejudice for failure to respond to the Court's Orders and failure to comply with Local Rule 5.5(c)(2).

IT IS SO ORDERED this 5th day of October, 2020.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

UNITED STATES MAGISTRATE JUDGE